

REMARKS

This Amendment is responsive to the Office Action dated August 25, 2005. In that Action, the Examiner rejected claims 1, 2, 4, 17, 18, 20 and 21 under 35 U.S.C. §102(b) as being allegedly anticipated by Cogliano. Claims 1, 3, 4, 8, 13, 17, 20 and 21 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Rudelick. Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Cogliano. Claims 2, 5, 12, 14 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rudelick. Claims 7, 16 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rudelick in view of Walker. Claims 6, 15 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rudelick in view of Scheurer. Claims 9-11 were objected to but indicated to contain allowable subject matter. Applicant respectfully traverses the Examiner's objections and rejections of the claims and offers the foregoing amendments and following remarks in support thereof.

Claims 1, 3, 6, 8, 9, 15, 17, 18, 20, 22 and 24 have been amended. Claims 25-30 have been added. No new matter has been inserted. Claims 1-30 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections and objections.

Claim 9 has been amended solely to be rewritten in independent form, which has not narrowed claims 9 through 11 in scope.

Cogliano

Cogliano fails to teach of (1) a weight internally disposed within the elongated tube (Claims 1, 8, 17 and 24); (2) one or more rattle members movable along a majority of the length of the elongated tube (Claims 6, 15, and 22); (3) the means for

preventing being internally disposed within said elongated tube (Claims 17 ad 24); (4) an internal plug entirely disposed internally within and attached to said elongated tube (Claim 18); (5) the floatable member having a virtually consistent same outer diameter from its first end to its second end and everywhere in between said first end and said second end (Claims 28-30); (6) the foam member having a virtually consistent same outer diameter from its first end to its second end and everywhere in between said first end and said second end (Claim 24) and (7) the weight member having an outer diameter smaller than an inner diameter of said elongated tube (Claim 24).

Rudelick

Rudelick fails to teach of (1) a floatable member externally disposed along the elongated tube (Claims 1, 8 and 17) or a foam member externally disposed along the elongated tube (Claim 24); (2) one or more rattle members movable along a majority of the length of the elongated tube (Claims 6, 15, and 22); (3) the loop member (Claim 20) or the cord member (Claim 24 not extending within said elongated tube; (4) an internal plug entirely disposed internally within and attached to said elongated tube (Claim 18); (5) the floatable member having a virtually consistent same outer diameter from its first end to its second end and everywhere in between said first end and said second end (Claims 28-30); (6) the foam member having a virtually consistent same outer diameter from its first end to its second end and everywhere in between said first end and said second end (Claim 24); (7) elongated tube being monolithically formed as a single piece member (Claim 24); (8) the elongated tube having virtually consistent same outer diameter from its first end to its second end and everywhere in between said first end and said second end (Claims 24-27).

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Walker's reflective strip fails to correct any of the above deficiencies in Cogliano and Rudelick. Additionally, the lead shot in Scheurer also fails to correct any of the above deficiencies in Cogliano and Rudelick.

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Accordingly, in view of the above, Applicant respectfully requests that the Examiner withdraw the current objection to claims 9 through 11 and the Section 102 and 103 rejections.

Applicant has completely responded to the Office Action dated August 25, 2005. Favorable action is respectfully requested.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 503180.

Respectfully submitted,



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